

District Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SURAJ SURAJ,

Petitioner,

v.

PAMELA BONDI, *et al.*

Respondents.

Case No. 2:25-cv-02699-RAJ

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Noted for Consideration:
January 20, 2026

Petitioner seeks habeas relief from immigration detention. U.S. Immigration and Customs Enforcement (“ICE”) detains him pursuant to 8 U.S.C. § 1225(b). In the Amended Habeas Petition (Dkt. No. 7), Petitioner asserts that he is a *Rodriguez Vasquez* Bond Denial Class² member, rendering his mandatory detention pursuant to Section 1225(b) unlawful. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). The Government has appealed *Rodriguez Vazquez*. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the same

¹ Respondent Bruce Scott is not a federal official and is not represented by undersigned counsel.

² “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who (1) have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is scheduled for or requests a bond hearing.” *Rodriguez*, 2025 WL 2782499, at *6.

1 as *Rodriguez Vasquez* and extended declaratory relief to a similarly defined and certified
2 nationwide Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-
3 BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).

4 While Respondents do not agree with the *Rodriguez Vazquez* decision, they agree that
5 Petitioner will be a member of the *Rodriguez Vazquez* Bond Denial Class for purposes of this
6 litigation once he seeks a bond redetermination hearing with the immigration court. Thus, while
7 Petitioner asserts other allegations in the initial petition (Dkt. No. 1) – which are not conceded by
8 the filing of this Return, Respondents believe that this case may be addressed solely on the
9 *Rodriguez Vasquez* issue.

10 BACKGROUND

11 A. 8 U.S.C. § 1225(b)

12 While acknowledging the decisions in *Rodriguez Vazquez* and *Maldonado*, Respondents
13 continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b).
14 *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)
15 (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F. Supp. 3d
16 ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (same). Noncitizens who are apprehended
17 shortly after illegally crossing the border and who are determined to be inadmissible due to
18 lacking a visa or valid entry documentation, 8 U.S.C. § 1182(a)(7)(A), may be removed pursuant
19 to an expedited removal order unless they express an intention to apply for asylum or a fear of
20 persecution in their home country. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)(II). “The purpose of these
21 provisions is to expedite the removal from the United States of aliens who indisputably have no
22 authorization to be admitted to the United States, while providing an opportunity for such an
23 alien who claims asylum to have the merits of his or her claim promptly assessed by officers

1 with full professional training in adjudicating asylum claims.” H.R. Conf. Rep. No. 828, 104th
2 Cong., 2d Sess. 209 (1996).

3 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers
4 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of
5 valid documentation, and certain other noncitizens designated by the Attorney General in her
6 discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all
7 applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not
8 relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

9 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
10 mandatory detention. Regardless of whether a noncitizen falls under Section 1225(b)(1) or
11 (b)(2), the sole means of release is “temporary parole from § 1225(b) detention ‘for urgent
12 humanitarian reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

13 **B. Petitioner Suraj Suraj**

14 Petitioner entered the United States at an unknown time and at an unknown place without
15 inspection. Lambert Decl., Ex. A, Notice to Appear. ICE detained him on November 8, 2025.
16 Lambert Decl., Ex. B, Form I-213. He was issued a notice to appear charging him as removable
17 pursuant to 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I) and placing him in removal
18 proceedings with the immigration court. Lambert Decl., Ex. A. As stated in the Amended
19 Petition, Petitioner will be seeking a bond hearing with the immigration court. Once that occurs,
20 Respondents acknowledge that he will meet the definition of the *Rodriguez Vasquez* Bond
21 Denial Class.

22 If this Court were to grant the habeas petition, the appropriate relief would be for
23 Petitioner to be released upon payment of an alternative bond amount, if any, ordered by the
24

1 immigration court at a bond hearing requested by Petitioner, which would be consistent with the
2 finding in *Rodriguez Vasquez*.

3 DATED this 8th day of January, 2026.

4 Respectfully submitted,

5 CHARLES NEIL FLOYD
6 United States Attorney

7 s/ Michelle R. Lambert

8 MICHELLE R. LAMBERT, NYS #4666657

9 Assistant United States Attorney

10 United States Attorney's Office

11 Western District of Washington

12 1201 Pacific Ave., Ste. 700

13 Tacoma, WA 98402

14 Phone: (253) 428-3824

15 Fax: (253) 428-3826

16 Email: michelle.lambert@usdoj.gov

17 *Attorneys for Federal Respondents*

18 *I certify that this memorandum contains 767 words,*
19 *in compliance with the Local Civil Rules.*